

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

**STEPHEN ROAN,**

**Plaintiff,**

**v.**

**TONY PARKER, TDOC  
Commissioner; SHAWN PHILLIPS;  
RUSTY HALL; and SAMUEL CRASS,**

**Defendants.**

**No. 3:16-CV-00649  
REEVES/SHIRLEY**

**MEMORANDUM and ORDER**

On November 9, 2016, a Deficiency Order was entered in this pro se prisoner's civil rights case, filed under 42 U.S.C. § 1983 [Doc. 4]. In the Deficiency Order, Plaintiff was notified that, unless within thirty (30) days of that date, he paid the full filing fee or signed his application to proceed *in forma pauperis* and submitted a certified copy of his inmate trust account statement for the last six-month period, the Court would dismiss his lawsuit for failure to prosecute and to comply with the orders of the court and also would assess the filing fee. That time frame has passed, and Plaintiff has not responded to the Deficiency Order or otherwise communicated with the Court.


Accordingly, the Court presumes that Plaintiff is not a pauper and hereby **ASSESSES** him the full filing fee of four hundred dollars (\$400.00) as authorized under 28 U.S.C. § 1914(a). 28 U.S.C. § 1915(b)(2); *McGore v. Wigglesworth*, 114 F.3d 601, 605 (6th Cir. 1997) (instructing that "[i]f the prisoner does not comply with the district court's directions, the district court must presume that the prisoner is not a pauper and assess the inmate the full amount of fees"), *overruled on other grounds by Jones v. Bock*, 549 U.S. 199 (2007).

Because of Plaintiff's failure to comply with the orders of the Court and to prosecute his case, this lawsuit will be **DISMISSED WITHOUT PREJUDICE**. Fed. R. Civ. P. 41(b).

Finally, the Court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24.

**A SEPARATE JUDGMENT WILL ENTER.**

**ENTER:**

  
**UNITED STATES DISTRICT JUDGE**